Statistical Data

Seven public agencies and 33 New York City voluntary agencies are included in he survey of agency activities in freeing and finding adoptive homes for children in foster care.* They were asked how many termination petitions were initiated and how many voluntary surrenders obtained in 1973; of the court petitions, how many resulted in the freeing of the child by May 1975; and of the children freed either by voluntary surrender or court disposition, how many had been adopted by May 1975. Questions in the survey also covered the Foster Care Review: for all foster care reviews in 1973, what recommendation the agency had made, what the court ordered and whether the agency had complied with the court order by May, 1975. For purposes of comparison, all the children in the agency's custody and living in foster homes and agency boarding homes during 1973 are used as a base population.

The data are presented in the following tables with a brief commentary on the salient points, with particular attention to the relative use and efficacy of different procedures and to the differences between public and voluntary agencies.

Table 1 shows in summary form what happened to the cohort of children who were in foster homes and agency boarding homes during 1973 and for whom the agencies surveyed took action during that year to terminate parental rights. Such action was taken in 2,112 cases,

*Eight New York City voluntary agencies which responded to other parts of the survey, had no termination proceedings in 1973 and one agency was not able to supply necessary data.

equal to 8.5 percent of all children in foster homes and agency boarding homes at the end of 1973. This figure includes court proceedings initiated and voluntary surrenders actually obtained (no figures were available on unsuccessful agency efforts to obtain voluntary surrenders during the year). Of this group, 1,906 had been freed for adoption by May 1975; 206 of the court cases had still not been determined. A total of 1,062 had been adopted by May 1975, equivalent to 4.3 percent of the base foster care population.

The next group of tables is concerned only with the initial action undertaken in 1973 for freeing the child. Table 2 shows that for all agencies combined, the voluntary surrender accounts for slightly more than half the cases in question, abandonment for one third and permanent neglect for the rest, except for a few court proceedings of other kinds. This table also indicates how much agencies differ in their reliance on the various routes by which parental rights may be terminated. In the six public agencies outside New York City, three-quarters were voluntary surrenders; this is significantly different from the situation in New York City where the proportion was 43 percent for both New York City Special Services for Children (S.S.C.) and the voluntary agencies. Among types of court procedures, the New York City voluntary agencies initiated abandonment better than three times more frequently than permanent neglect, while the upstate public agencies combined used the two court procedures to an almost equal extent (also significant). However, there was great variability among the public agencies in this respect. As shown by Table 2a, in Westchester, Suffolk, and Onondaga Counties abandonment

was not used at all; but in Erie County, 74 percent of court proceedings initiated were abandonments (roughly the same pattern as in the New York City voluntary agencies).

Tables 3 and 4 present data on just the court proceedings initiated in 1973, expressed as a percentage of all the children in foster homes and agency boarding homes at the end of 1973. Voluntary agencies (Table 3) started proceedings for 5.4 percent of their children. Though low, this rate is more than twice as high as the 2.4 percent for the public agencies. The rates for each of the seven public agencies is listed in Table 4. There is no significant difference between the rate for New York City S.S.C. and that for the other six public agencies when aggregated. Tables 5 and 6 deal with voluntary surrenders in similar fashion: the difference between voluntary and public agencies is significant, but too small to be meaningful, with the public agencies obtaining surrenders for a slightly higher proportion of their children (4.8 percent for public agencies compared with 4.2 percent for New York City voluntary agencies). However, Table 6 shows, the public agencies also vary greatly in this respect; and New York City S.S.C.'s rate of 2.1 percent is only a third of the 6.4 percent rate of the other public agencies combined.

Voluntary agencies, therefore, were initiating <u>court</u> procedures to a greater degree than the public agencies but were obtaining voluntary surrenders to a lesser extent than the public agencies outside New York City. If the two types of procedures are combined (Table 7) it can be seen that the voluntary agencies had taken action to terminate parental rights for 9.6 percent of their children in foster care; the public agencies outside New York City for 8.6 percent and New York City S.S.C. for 4.9 percent. The S.S.C. rate is significantly

lower than the other two groups of agencies and in fact (Table 8) it ranks almost lowest of all seven public agencies. The difference between the voluntary and remaining public agencies aggregated, though statistically significant is too slight to be meaningful. It should be borne in mind that because attempts to obtain voluntary surrenders, if unsuccessful in 1973, are not included here, these rates do not reveal the full extent of agency efforts to free children.

The next group of tables deals with children who were in fact legally freed for adoption. The voluntary surrenders obtained during 1973 are here treated not as an action initiated but as children freed for adoption, even though in a handful of cases the surrender may subsequently be revoked. The Court procedures refer to children freed by the Court by May 1975 on the basis of petitions initiated in 1973. Table 9 indicates that in the combined group, 57.3 percent were voluntary surrenders: more children were freed by voluntary surrenders obtained in 1973 than by Court action between 1973 and the May 1975 cut off date for this project. This leaves more than 43 percent freed by Court order, including 30 percent by abandonment and 11 percent by permanent neglect - a difference that largely reflects the number of petitions initiated in 1973. There were significant differences between types of agencies in the proportion of their children freed for adoption under different termination proceedings, but these also largely correspond to differences in procedures begun in 1973 (Table 2). Table 10 shows that 813 cases (80 percent of the court procedures begun) had resulted in successful freeing of the child by court order. Of the remaining 206 cases, 19 were dismissed or received suspended judgement, 39 ended in voluntary surrender, and 148 had not been disposed of by the court.

Procedures to free were more successful in the cases of abandonments (83%) than permanent neglect (72%) (a difference significant at the .001 level).

As Table 11 indicates, the overall success rate in freeing children by court proceedings was higher for the New York City voluntary agencies (82%) than for the public (75%).

The fourth group of tables analyzes adoptions. Table 12 reveals that among children in this cohort, adopted by May 1975, 75% were freed for adoption because of voluntary surrenders, and 25% through court order. Once again, the differences between upstate public and New York City voluntary agencies emerge clearly: 91% of the children adopted through the efforts of the public agencies had been voluntarily surrendered; of those adopted through the voluntary agencies 65% had been surrendered and the remainder were adopted as a result of court order.

When the rate of adoption is examined, i.e. the number adopted in this time period compared with the total number freed for adoption, Table 13 shows that nearly three-quarters of the children surrendered but only some one-third of the children freed by the courts, under either permanent neglect or abandonment proceedings, had been adopted. One reason for this difference, certainly, is simply that in the group of children under study, the voluntary surrenders were all obtained in 1973 and the children were free for adoption over a longer period than the others, who could have been freed at any time up to May 1975. Overall, 56% of all the children freed had been adopted.

Table 14 shows the adoption rate for different types of agencies; the rate for New York City S.S.C. is considerably lower than that

for the other two groups; and the public agencies outside New York City have a higher rate than the voluntary agencies in the City. The latter difference, however, is misleading, because the upstate public agencies had a much higher proportion of voluntary surrender cases than the City voluntary agencies. As shown in Table 13, the aodption rate was much higher for surrendered children than for the court-freed, which accounts for a higher over all adoption rate among these other six public agencies. In fact, for any given court procedure for terminating parental rights, the adoption rate was almost as high or higher among the City voluntary agencies (see Table 12). Table 15 gives adoption rates for each public agency, and shows once again the great differences between counties.

Foster Care Review was examined from the point of view of the agency's recommendation, the court's order and agency compliance. The Tables presented here cover all 1973 foster care reviews in the agencies studied except New York City and Erie where a random sample was drawn, analyzed and incorporated into the tables. All children reviewed had been in care two years or longer at the time of the review.

Table 16 on Agency Recommendations shows that "continue foster care" was the most frequent agency recommendation with 58% in this category overall. The frequency of the recommendation to continue foster care ranged from 53% for all New York City voluntary agencies to 95% for the Onondaga County Department of Social Services. The other three recommendations ("free", "place", "discharge") were fairly evenly distributed in terms of frequency (17%, 12% and 12% respectively). Among the districts in the survey, the frequency range in agency recommendation to "free for adoption" is from 0%

(Chemung, Westchester and Onondaga) to 20% (New York City public and voluntary).

Table 17 on Court Orders illustrates a pattern similar to the agency recommendations. Sixty-one percent of the orders were"to continue foster care," as compared with 58% of the agency recommendations. In New York City courts, the majority of these orders required a series of follow-up reports, but based on the staff study, no definitive orders resulted when these reports were submitted. On an overall basis, the Court ordered 2% more "proceedings to free" than the agencies recommended, though in Erie County the Court ordered this twice as often as the agency recommended. In Chemung, Westchester and Onondaga, the Court approved the agency recommendations in every case, of which 89% to 95% were "to continue foster care". Table 18, a comparison of Court orders in New York City and in the six counties surveyed outside the City, demonstrates significantly that the New York City courts were ordering "free for adoption" more frequently than courts in the other six counties (22% compared to 6%) and ordering "continue foster care" less frequently (57% in the City versus 82% in the upstate districts). The New York City figures aggregate foster care reviews for both the public and the voluntary agencies.

Table 19 illustrates the proportion of foster care review cases where the agency complied with the Court's order. Compliance was total in the three public agencies where the Court agreed with all agency recommendations, but considerably less in other counties or in the New York City voluntary agencies. The mean compliance with orders to continue foster care was 93%, but the mean compliances with orders to institute proceedings to free or to place for adoption

were each 71 percent.

Table 20 shows by agencies surveyed the number of children freed for adoption but not placed in adoptive homes as well as those children placed in adoptive homes but not legally adopted as of May 1975.

Tables 21 and 22 describe use of the State's Adoption Subsidy Program among the agencies surveyed. Use of the Subsidy Program was greatest among New York City voluntary agencies; among public agencies, Monroe County used adoption subsidy most frequently.

TABLE I

OUTCOME BY MAY 1975 OF PROCEDURES INITIATED IN 1973 TO TERMINATE PARENTAL RIGHTS FOR CHILDREN IN FOSTER CARE*

	Voluntary Surrender[1]		Court Action		Total	
	No.	% of Children In Foster Care	No.	% of Children In Foster Care	No.	% of Children In Foster Care
Action Undertaken, 1973	1093	4.4%	1019	4.1%	2112	8.5%
Children Freed[2]	1093	4.4%	813	3.3%	1906	7.7%
Children Adopted By May 1975	799	3.2%	263	1.1%	1062	4.3%

[1]It is not known in how many cases efforts to obtain voluntary surrenders were initiated; the 1093 were actually obtained in 1973, excluding 3 surrenders later revoked by Court order.

[2]During 1973 through voluntary surrender and by May 1975 through Court order.

*As of 12/31/73 these were 24,687 children in foster homes and agency boarding homes in the districts surveyed. This definition will apply to the remaining tables in this Appendix when such tables refer to total Population in Foster Care.

TABLE 2

TYPE OF ACTION UNDERTAKEN IN 1973 TO TERMINATE PARENTAL RIGHTS, BY TYPE OF AGENCY

Type of Agency	Voluntary Surrenders Obtained		Court Proceedings Initiated							
			Permanent Neglect		Abandonment		Other		Total	
	No.	%	No.	%	No.	%	No.	%	No.	%
Public Agencies Outside N.Y.C.	423	74.5%	75	13.2%	70	12.3%	0	0.0%	568	100%
N.Y.C. Public	87	43.3%	49	24.4%	65	32.3%	0	0.0%	201	100%
N.Y.C. Voluntary	583	43.4%	172	12.8%	558	41.5%	30	2.2%	1,343	100%
TOTAL	1,093	51.7%	296	14.0%	693	32,8%	30	1.4%	2,112	100%

$X^2 = 215.7$, df = 6, $P < .001$

TABLE 2a

ABANDONMENT AND PERMANENT NEGLECT PETITIONS

INITIATED IN SEVEN PUBLIC AGENCIES

Social Services District	Abandonment No.	%	Permanent Neglect No.	%	Total No.	%
Erie	53	74%	19	26%	72	100%
Chemung	2	50%	2	50%	4	100%
Westchester	0	0%	7	100%	7	100%
Suffolk	0	0%	29	100%	29	100%
Onondaga	0	0%	3	100%	3	100%
Monroe	15	50%	15	50%	30	100%
New York City	65	57%	49	43%	114	100%
Total	135	52%	124	48%	259	100%

TABLE 3

COURT PROCEEDINGS INITIATED
IN 1973 BY TYPE OF AGENCY
AS PERCENT OF TOTAL POPULATION IN FOSTER CARE

Type of Agency	Court Proceedings Initiated in 1973	Percentage of Total Population In Foster Care	Total Population In Foster Care
Public (All surveyed, upstate & NYC)	259	2.4%	10,687
N.Y.C. Voluntary	760	5.4%	14,000
TOTAL	1019	4.1%	24,687

$x^2 = 137.5$, df = 1, $P < .001$

TABLE 4

COURT PROCEEDINGS INITIATED (1973)
BY SEVEN PUBLIC AGENCIES
AS PERCENT OF TOTAL POPULATION IN FOSTER CARE

Social Services District	Court Proceedings Initiated in 1973	Percentage of Total Population In Foster Care	Total Population In Foster Care
Erie	72	4.2%	1,718
Chemung	4	3.0%	133
Westchester	7	0.4%	1,744
Suffolk	29	2.3%	1,278
Onondaga	3	0.4%	779
Monroe	30	3.2%	939
New York City	114	2.8%	4,096
TOTAL	259	2.4%	10,687

TABLE 5

VOLUNTARY SURRENDERS OBTAINED IN 1973 BY TYPE OF AGENCY AS PERCENTAGE OF TOTAL POPULATION IN FOSTER CARE AT THE END OF 1973

Type of Agency	Voluntary Surrenders 1973	Percentage of Total Population In Foster Care	Total Population In Foster Care
Public (All surveyed, upstate & NYC.)	510	4.8%	10,687
N.Y.C. Voluntary	583	4.2%	14,000
TOTAL	1093	4.4%	24,687

$X^2 = 5.15$, df = 1, $P < .05$

TABLE V

VOLUNTARY SURRENDERS OBTAINED IN 1973
BY 7 PUBLIC AGENCIES, AS PERCENTAGE OF
TOTAL POPULATION IN FOSTER CARE

Social Services District	Voluntary Surrenders 1973	Percentage of Total Population In Foster Care	Total Population In Foster Care
Erie	66	3.8%	1,718
Chemung	10	7.5%	133
Westchester	50	2.9%	1,744
Suffolk	100	7.8%	1,278
Onondaga	60	7.7%	779
Monroe	137	14.6%	939
New York City	87	2.1%	4,096
TOTAL	510	4.8%	10,687

TABLE 7

ALL PROCEDURES INITIATED IN 1973,
VOLUNTARY SURRENDER AND COURT TERMINATIONS,
BY TYPE OF AGENCY,
AS PERCENT OF TOTAL POPULATION IN FOSTER CARE

Type of Agency	All Procedures Initiated in 1973	Percentage of Total Population In Foster Care	Total Population In Foster Care
Public Agencies Outside N.Y.C.	568	8.6%	6,591
N.Y.C. Public	201	4.9%	4,096
N.Y.C. Voluntary	1,343	9.6%	14,000
TOTAL	2,112	8.6%	24,687

$X^2 = 88.92$, df = 2, $P < .001$

TABLE 8

ALL PROCEDURES INITIATED IN 1973,
VOLUNTARY SURRENDERS AND COURT TERMINATIONS,
FOR 7 PUBLIC AGENCIES,
AS PERCENT OF TOTAL POPULATION IN FOSTER CARE

Social Services District	All Procedures Initiated in 1973	Percentage of Total Population In Foster Care	Total Population In Foster Care
Erie	138	8.0%	1,718
Chemung	14	10.5%	133
Westchester	57	3.3%	1,744
Suffolk	129	10.1%	1,278
Onondaga	63	8.1%	779
Monroe	167	17.8%	939
New York City	201	4.9%	4,096
TOTAL	769	7.2%	10,687

TABLE 9

CHILDREN FREED FOR ADOPTION BY MAY 1975, THROUGH 1973 VOLUNTARY SURRENDER OR COURT PROCEDURE BEGUN, BY TYPE OF AGENCY

Type of Agency	Voluntary Surrender No.	%	Permanent Neglect No.	%	Abandonment No.	%	Other No.	%	Total No.	%
Public Agencies Outside N.Y.C.	423	77.3%	62	11.3%	62	11.3%	0	0.0%	547	100%
N.Y.C. Public	87	55.8%	27	17.3%	42	26.9%	0	0.0%	156	100%
N.Y.C. Voluntary	583	48.5%	124	10.3%	472	39.2%	24	2.0%	1,203	100%
TOTAL	1,093	57.3%	213	11.2%	576	30.2%	24	1.3%	1,906	100%

$x^2 = 173.9$ df = 6, $P < .001$

TABLE 10

SUCCESS OF COURT PROCEEDINGS TO
FREE CHILDREN, BY TYPE OF PROCEEDING

	Permanent Neglect		Abandonment		Other		Total	
	No.	%	No.	%	No.	%	No.	%
Freed by May 1975	213	72%	576	83%	24	80%	813	80%
Not Freed	83	28%	117	17%	6	20%	206	20%
TOTAL	296	100%	693	100%	30	100%	1,019	100%

$X^2 = 16.01$, df = 2, $P < .001$

TABLE 11

SUCCESS OF COURT PROCEEDINGS TO FREE CHILDREN, BY TYPE OF AGENCY

Type of Agency	Freed By May 1975		Not Freed		Total Court Proceedings 1973	
	No.	%	No.	%	No.	%
Public (All surveyed, upstate & NYC.)	193	75%	66	25%	259	100%
N.Y.C. Voluntary	620	82%	140	18%	760	100%
TOTAL	813	80%	206	20%	1,019	100%

$x^2 = 5.97$, df = 1, $P < .05$

TABLE 12

ADOPTIONS BY MAY 1975,
BY TYPE OF AGENCY AND
TYPE OF PROCEDURE TO FREE

Type of Agency	Voluntary Surrender No.	%	Permanent Neglect No.	%	Abandonment No.	%	Other No.	%	Total No.	%
Public Agencies Outside N.Y.C.	335	91%	24	6%	11	3%	0	0%	370	100%
N.Y.C. Public	42	91%	1	2%	3	7%	0	0%	46	100%
N.Y.C. Voluntary	422	65%	43	7%	175	27%	6	1%	646	100%
TOTAL	799	75%	68	6%	189	18%	6	1%	1,062	100%

$x^2 = 107.1$, df = 6, $P < .001$

TABLE 13

SUCCESS OF ADOPTION EFFORTS FOR CHILDREN FREED,
BY TYPE OF PROCEDURE TO FREE

	Voluntary Surrender		Permanent Neglect		Abandonment		Other		Total	
	No.	%	No.	%	No.	%	No.	%	No.	%
Adopted By May 1975	799	73%	68	32%	189	33%	6	25%	1,062	56%
Not Adopted	294	27%	145	68%	387	67%	18	75%	844	44%
TOTAL	1,093	100%	213	100%	576	100%	24	100%	1,906	100%

$x^2 = 314.4$, df = 3, $P < .001$

TABLE 14

SUCCESS OF ADOPTION EFFORTS
BY TYPE OF AGENCY

Type of Agency	Adopted By May 1975		Not Adopted		Total	
	No.	%	No.	%	No.	%
Public Agencies Outside N.Y.C.	370	68%	172	32%	547	100%
N.Y.C. Public	46	29%	110	71%	156	100%
N.Y.C. Voluntary	646	54%	557	46%	1,203	100%
TOTAL	1,062	56%	844	44%	1,906	100%

$X^2 = 77.0$, df = 2, P<.001

TABLE 15

SUCCESS OF ADOPTION EFFORTS OF PUBLIC AGENCIES

Social Services District	Adopted By May 1975		Not Adopted		Total	
	No.	%	No.	%	No.	%
Erie	45	35%	83	65%	128	100%
Chemung	14	100%	0	0%	14	100%
Westchester	39	68%	18	32%	57	100%
Suffolk	76	63%	45	37%	121	100%
Onondaga	59	94%	4	6%	63	100%
Monroe	137	84%	27	16%	164	100%
New York City	46	29%	110	71%	156	100%
TOTAL	416	59%	287	41%	703	100%

TABLE 16

1973 FOSTER CARE REVIEW
AGENCY RECOMMENDATIONS BY TYPE OF AGENCY

Type of Agency	Explore to Free or Institute Proceedings To Free		Place For Adoption		Explore For Discharge or Discharge To Parents		Continue Foster Care		Other*		Total
	No.	%	No.	%	No.	%	No.	%	No.	%	
Erie	5	6%	10	13%	11	14%	46	58%	7	9%	79
Chemung	0	0%	1	11%	0	0%	8	89%	-	-	9
Westchester	0	0%	2	0.5%	34	9%	340	90%	-	-	376
Suffolk	33	16%	7	3%	6	3%	165	78%	-	-	211
Onondaga	0	0%	0	0%	4	5%	70	95%	-	-	74
Monroe	13	9%	24	17%	24	17%	83	58%	-	-	144
N.Y.C. Public	31	20%	8	5%	18	12%	96	62%	1	0.6%	154
N.Y.C. Voluntary	796	20%	566	14%	496	12%	2,142	53%	31	0.8%	4,031
TOTAL RECOMMENDATIONS	878	17%	618	12%	593	12%	2,950	58%	39	0.8%	5,078 100%

*Majority of "other" category are recommendation for institutionalization, 1 recommendation for the Job Corps, 1 absconded PINS.

TABLE 17

1973 FOSTER CARE REVIEW:
COURT ORDERS BY TYPE OF AGENCY

Type of Agency	Institute Proceedings To Free		Place For Adoption		Discharge To Parents		Continue Foster Care		Other		Total	
	No.	%	No.	%	No.	%	No.	%	No.	%		
Erie	10	13%	11	14%	12	15%	39	49%	7	9%	79	
Chemung	0	0%	1	11%	0	0%	8	89%	-	-	9	
Westchester	0	0%	2	0.5%	34	9%	340	90%	-	-	376	
Suffolk	26	12%	15	7%	9	4%	161	76%	-	-	211	
Onondaga	0	0%	0	0%	4	5%	70	95%	-	-	74	
Monroe	15	10%	14	10%	3	2%	112	78%	-	-	144	
N.Y.C. Public	40	26%	7	4%	15	10%	92	60%	-	-	154	
N.Y.C. Voluntary	841	21%	502	13%	325	8%	2,229	57%	34	0.9%	3,931*	
TOTAL ORDERS	932	19%	552	11%	402	8%	3,051	61%	41	0.8%	4,978*	100%

*Difference in total court orders and total recommendations (Table 16) in N.Y.C. Voluntary agencies attributed to adjournments resulting in no final disposition in 1973.

TABLE 18

1973 FOSTER CARE REVIEW:
COURT ORDERS FOR N.Y.C. AND OTHER COUNTIES

	Initiate To Free		Place For Adoption		Discharge To Parent		Continue Foster Care		Other		Total	
	No.	%	No.	%	No.	%	No.	%	No.	%		
Six Counties	51	6%	43	5%	62	7%	730	82%	7	0%	893	
N.Y.C. Public and Voluntary	881	22%	509	12%	340	8%	2,321	57%	34	1%	4,085	
TOTAL	932	19%	552	11%	402	8%	3,051	61%	41	0%	4,978	100%

$X^2 = 215.86$, df = 4, $P < .001$

TABLE 19

1973 FOSTER CARE REVIEW:
AGENCY COMPLIANCE WITH COURT ORDERS
AS PERCENTAGE OF ALL COURT ORDERS

Type of Agency	Institute Proceedings To Free %	Place For Adoption %	Discharge To Parents %	Continue Foster Care %	Other %
Erie	40%	36%	67%	97%	100%
Chemung	-	100%	-	100%	-
Westchester	-	100%	100%	100%	-
Suffolk	46%	47%	89%	83%	-
Onondaga	-	-	100%	100%	-
Monroe	100%	100%	33%	82%	-
N.Y.C. Public	93%	43%	67%	88%	-
N.Y.C. Voluntary	77%	70%	84%	95%	100%
MEAN*	71.2%	71.9%	77.1%	93.1%	100%

*Percentages are the means of the percentages for this group of agencies, including N.Y.C. Voluntary agencies combined, not the percentage of total cases when agencies complied.

TABLE 20

CHILDREN FREED FOR ADOPTION,
BUT NOT PLACED IN ADOPTIVE HOMES,
AND PLACED IN ADOPTIVE HOMES
BUT NOT LEGALLY ADOPTED, BY AGENCY,
AS OF MAY 1975

Agency	Free Not Placed	Placed, Not Legally Adopted
Erie	345	67
Suffolk	93	97
Chemung	9	12
Onondaga	30	33
Monroe	41	87
Westchester	325	55
New York City Public	141	437(86 awaiting subsidy)
Angel Guardian Home	33	84(52 awaiting subsidy)
Brookwood Child Care	2	30(18 awaiting subsidy)
Catholic Home Bureau	75(51 home studies underway)	145
Cardinal Hayes Home	0	1
Cardinal McCloskey	30	37
Childrens Aid Society	44	60
Abbott House	1	0
Catholic Guardian	3	66
Edwin Gould	9	79
Greer	1	0
Graham Home	3	1
JCCA	6	56
Lakeside School	1	0
Leake & Watts	21	45

TABLE 20 CON'T.

Agency	Free Not Placed	Placed, Not Legally Adopted
Little Flower	6	44
Lutheran	4	30
McMahon Memorial	0	2
N.Y. Catholic Guardian	44	21
N.Y. Foundling	96	241
Salvation Army	20	15
St. Christopher	4	15
St. Dominics Home	9	21
St. Josephs of Peekskill	18	7
St. Michael's Home	0	1
Speedwell Services	17	52
Sheltering Arms	12	27
Spence Chapin	370	338
Talbot Perkins	19	21
Windham Child Care	62	55
St. Mary of Angels	8	0
St. Cabrini Home, Inc.	1	1
Astor Home for Children	0	2
Brooklyn Bureau of Community Services	3	21
Childrens' Village	5	0
Brooklyn Home	5	23
TOTALS	1,916	2,329

TABLE 21

SUBSIDIZED ADOPTIONS BY TYPE OF AGENCY

Type of Agency	Subsidized		Not Subsidized		Total Adoptions In 1973 Cohort	
	No.	%	No.	%	No.	%
Public Agencies Outside N.Y.C.	73	20%	297	80%	370	100%
N.Y.C. Public	4	9%	42	91%	46	100%
N.Y.C. Voluntary	352	54%	294	46%	646	100%
TOTAL	429	40%	633	60%	1,062	100%

$X^2 = 138.1$, df = 2, P .001

TABLE 22

SUBSIDIZED ADOPTION FOR 7 PUBLIC AGENCIES

Social Services District	Subsidized No.	%	Not Subsidized No.	%	Total Adoptions In 1973 Cohort No.	%
Erie	7	16%	38	84%	45	100%
Chemung	1	7%	13	93%	14	100%
Westchester	8	20%	31	80%	39	100%
Suffolk	1	1%	75	99%	76	100%
Onondaga	0	0%	59	100%	59	100%
Monroe	56	41%	81	59%	137	100%
New York City	4	9%	42	91%	46	100%
TOTAL	77	19%	339	81%	416	100%

APPENDIX III

Children in Foster Care: The Impact of Review by the Family Court

By: Trudy Bradley Festinger, D.S.W.
New York University
School of Social Work

Children in Foster Care: The Impact of Review by the Family Court*

Trudy Bradley Festinger, D.S.W.
New York University School of Social Work

Section 392 of the Social Services Law was enacted in 1971 to provide judicial review of children who had been in foster care continuously for 24 months. It was a response to mounting criticism of the increasing number of children in foster care, the rising costs to the state for support of children in foster care, and of the long periods in which they remained in such care. Children in foster care were described as being harmed rather then helped when held in "the limbo of foster care," instead of being returned to their biological families or placed in adoption homes.

The New York Law provides that the Family Court shall review all cases of children in voluntary placement for 24 months and determine whether they shall be discharged to their biological families, continued in foster care, be freed for adoptive placement, or placed in an adoptive home. The Law is not applicable when agencies have discharged children from foster care, or placed children in adoptive homes within 24 months after they are initially placed in foster care. The intent of the law is to provide monitoring and judicial review for only those children who continue in foster care for more than the 24 months. In 1975 this period was reduced to 18 months.

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Before the enactment of Section 392, it was strongly opposed as a measure that introduced court intervention in determining what was in the best interest of children in the care or custody of social agencies who regarded this as their province. The argument slowly shifted from opposition to monitoring what agencies decided, to proposals that monitoring should be accomplished by internal review, with involvement of courts only as a matter of last resort. There have also been proposals that review of children in foster care, and determination of what was in their best interest, should be handled by some form of administrative review, rather than by judicial review.

Even among those who have supported the 392 review procedure there have been criticisms of its administration. Questions have also been raised as to how effective it has been, and in what ways it could be made to function more effectively. This study was planned to seek answers to these two questions.

Earlier Study of 392 Court Review

The effect of court review of children in foster care was studied by the author in 1974 (3). At that time it was possible to compare the actions of agencies to free children for adoption in cases that were reviewed by the court as compared to cases that were not reviewed. The data in the 1974 study showed that the 392 court review spurred agencies to take steps needed to free children for adoption. It was also found that the court review appeared to act as a catalyst in getting agencies to examine children in care more carefully, develop plans for them, and take steps to implement

such plans. The 1974 study found that periodic review expedited the movement of children out of the foster care system.

The Present Study

Following the publication of the 1974 study, it seemed valuable to develop a study which would provide further data on what happened to children as a result of reviews under Section 392 proceedings. The present study is focused on the cases of 235 children who had been placed voluntarily in foster care for the first time in 1970 and had been reviewed by the Family Court.

Among the reasons for the present study were unanswered questions raised by the previous study in regard to both the administration of the law by the public agency and court on the one hand, and compliance by the voluntary agencies with the law and court decisions on the other hand. The need for answers to the following questions were raised by the 1974 study:

1. If agencies were taking more steps to free children for adoption, in what number or percentage of cases was adoption effected?
2. When the court, on review, ordered continuing foster care, but directed the agencies to submit follow-up reports, did agencies submit such reports?
3. When discharge or adoptive placement were ordered by the court, did such children actually leave foster care in accordance with the court orders?
4. How many and what percentage of the children reviewed by the court remained in foster care three years after the initial review?

Procedures of Study

The 235 cases* selected for this follow-up study had all been included in the 1974 study. As noted above, all of these children had entered foster care for the first time in 1970. All had been placed voluntarily by a parent or guardian, had remained in care continuously for at least two years, and were in a foster boarding or group home supervised by one of 28 voluntary agencies at the time the agency petitioned the Family Court for review. The cases of all of the 235 children had been reviewed by the court by December 31, 1973. In 98** of these cases, the court had ordered a continuation of foster care and had required a follow-up report from the agencies. Of the remaining cases, the court had ordered 31 children to be discharged, 69 children to be legally freed for adoption, and 37 children to be placed for adoption.

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*The 1974 study reported on 248 reviewed children. Twelve of these were excluded in the current study as these were cases in which the court had continued foster care without requesting a follow-up report. An additional case was excluded when it was learned that this child was in long term placement in a psychiatric hospital, and that a follow-up by the court had been requested primarily to ascertain information about a hospital transfer. This case was therefore similar to the other twelve that had been excluded from the study.

**In this study, the distribution of dispositions varies slightly from their distribution in the 1974 study. This was due to the exclusion of a case (see above), and several errors involving the transmission and classification of dispositions. For example, an order to free a child had been signed on a child who was already free, and an order to place a child for adoption had been misclassified as "explore adoption". Such cases were reclassified in the present study. None of these changes affected any of the findings of the 1974 study.

The Family Court's Section 392 petition files were reviewed on all 235 cases in order to collect all the information on hearings, adjournments, and reports submitted by the agencies. In addition, case and card files of the Office of Allocation and Accountability of the New York City Division of Special Services for Children (DSS) were examined and cross-checked to secure all information available on what steps agencies had taken to free children for adoption, to learn to what extent adoption steps had been taken, and to find out where each of the 235 children were living on June 1, 1975 when the data gathering for this study was terminated.

The author and a research associate were responsible for all data collection following a training period during which seven cases were independently coded by the two researchers. Instances of disagreement were few, and these occurred when there was some ambiguity in the information. Since the two researchers had worked together on the 1974 study, and were familiar both with the data and potential coding problems, further reliability checks were limited to instances of ambiguity in the information. All collection of data terminated in June 1975.

In addition to the collection and coding of these data on the children, the researchers collected information on who attended the hearings, and on the number of hearings and adjournments in each case.

Court Review Procedures

Prior to a court review, all known parties are named and the court seeks to notify all parties who have an interest.

A. Attendance at Hearings

The extent to which natural parents, foster parents, caseworkers of the agencies involved, and attorneys representing the agencies appeared at the Family Court 392 hearing varied greatly. All hearings were attended by counsel for the New York City Division of Special Services of the Department of Social Services.

The petition files included data on appearances in 216 of the 235 cases. These data are summarized in Table 1.

Caseworkers of the agencies and/or their supervisors appeared at a large majority (88.9%) of the hearings. The caseworker appeared alone at only 31 hearings. Agency lawyers appeared at 50.9% of the hearings. Both caseworkers and agency lawyers appeared at 86 (40.4%) of the hearings.

Foster parents appeared at 42% of the hearings. At least one member of the biological family or the child's guardian appeared at 39%* of the hearings. Foster parents and/or a member of the biological family or the child's guardian appeared at 139 (64.4%) of the hearings. As a rule, foster parents and members of the biological family did not appear at the same hearing.

In no case was a judge's contact with a child recorded in the court files. Perhaps such contact occurred more often than it was possible to detect from a review of these files. In any event, such personal contact was a rare occurrence, although

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*This percentage is artificially low as the base total (216) includes a number of free and surrendered children, and therefore parental appearance was not relevant.

TABLE 1

Attendance* at the 392 Court Review

	Present N	Present (%)	Not Present N	Not Present (%)	Total N
Agency Caseworker and/or Supervisor	192	(88.9)	24	(11.1)	216
Agency Lawyer	110	(50.9)	106	(49.1)	216
Foster Parent(s)	90	(41.7)	126	(58.8)	216
Biological Family or Guardian	85	(39.4)	131	(60.6)	216

*All hearings are attended by a lawyer representing the New York City Division of Special Services for Children.

in some cases the court appointed a law guardian to represent the child. Presumably this was done in those situations where the court saw a reason for an independent assessment of the child's situation.

In a breakdown of the appearances by religion, we found that foster parents who worked with Protestant or with non-sectarian agencies were more likely to appear than foster parents who worked with Catholic agencies. In contrast, we found that the appearance of a biological parent or guardian occurred more frequently in the cases of children under the supervision of Catholic agencies. We have no knowledge of whether these differences are due to agency philosophy, practice, or the characteristics of the families that were involved.

Regardless of the reasons or explanations given for non-appearance, there was no appearance by the biological family at 60.6% of the hearings, and there was no appearance of the foster parents at 58.3% of the hearings. While there may be a substantial number of biological parents who have moved or disappeared so that they receive no notice, this is not true of the foster parents whose address is always known.

Whether it is necessary or advisable for foster parents to appear at 392 proceedings depends on the circumstances of a case including the plans of the agency for the child, the position of the biological parents toward return of the child to them, and the interest of the foster parents in providing continuing care or adoption for the child. When the agency plans to discharge a

child to the natural family, there may be little reason for foster parents to appear unless they wish to submit evidence in opposition to such discharge. When the agency seeks continued foster care with t he foster parents, or adoption, there is little reason for appearance by the foster parents unless they seek to adopt the child. However, if the parents are seeking custody or the agency has rejected the foster parents as adoptive parents, foster parents, who have had a child for 24 months should be present and are entitled to be present with counsel so that they may be heard on the issue of custody.

It is noteworthy that lawyers for voluntary agencies appeared at approximately one half of the review hearings in regard to children in foster care. It cannot be assumed that lawyers were used on a selective basis to be present when difficult problems were involved, since some agencies were almost always represented by counsel, while some were never represented. In a breakdown of cases by the religion of the agencies, we found that agencies under Catholic auspices were far more likely to be represented by counsel at review hearings than agencies under Protestant, Non-sectarian, or Jewish auspices. Sixty-eight percent of the cases under Catholic auspices were represented by lawyers as compared to 27% of the cases under other auspices. The same differences continued when a case appeared for a second hearing.

Such a wide discrepancy in the use of counsel and the reasons for it require further study, and require consideration of whether criteria should be developed to govern when agencies should

use legal representation and whether this should continue to be optional with each agency deciding for itself. Whether the use of counsel depends on the availability of counsel for the agency, is the result of considered judgment by the agency, or results from fiscal policies needs exploration. At the present time, no guidelines in regard to the use of counsel have been developed by either the agencies collectively or the public agencies responsible for children in foster care.

We examined the outcome of review proceedings in relationship to who appeared at the hearings. The main finding was that when a member of the biological family was present, the court was more likely to order discharge to the family or continue the child in foster care with a request for a follow-up report, and was less likely to order that the child be freed for adoption. Orders for discharge and continued foster care were equally likely in such cases. This finding is consistent with the finding in our 1974 study (3:223) that where family interest was high, discharge dispositions were more likely.

B. The Number of Hearings and Adjournments

By December 31, 1973, the 235 cases in the study had been reviewed. Seventy of these cases were heard a second time and 14 of them had three or four hearings by June 1975. These data are summarized in Table 2. Of the 70 cases with two or more hearings, over half had been continued in foster care, with a follow-up report required, at the time of the first 392 hearing.

TABLE 2

Initial 392 Court Disposition and Number of Hearings

	One Hearing		Two+ Hearings		Total
First 392 Disposition	N	(%)	N	(%)	N
Continue Foster Care and Follow-Up	60	(61.2)	38	(38.8)	98
Discharge	25	(80.6)	6	(19.4)	31
Legally Free	51	(73.9)	18	(26.1)	69
Place For Adoption	29	(78.4)	8	(21.6)	37
Total	165		70		235

That this category of disposition had the highest proportion of multiple hearings was not surprising. At the same time, one must still ask why a majority of the cases in this category, most of whom had been in foster care for five years, had only been heard once, and why some cases were selected for a second hearing rather than others.

A discussion of multiple hearings would not be complete without a description of some general characteristics of these proceedings. For example, a total of 51 cases scheduled for a hearing were adjourned at least once. Thirty-two of these were in cases with more than one hearing. Adjournments were granted when someone (usually a lawyer) failed to appear, or because of a request for legal representation by the biological family, or when the court decided a lawyer should be appointed to represent the child. Additional adjournments were given because a family member had not been sent proper notice or because an agency requested additional time to complete its reports. All such cases were classified as adjournments.

There was, however, some inconsistency among judges in what they called an adjournment, particularly where foster care was continued for the time being and a further report, such as a psychological on a parent, was requested. For example, one judge might adjourn following considerable courtroom testimony, while another called it a continuation in foster care while requesting a follow-up. There were even cases labeled adjournment at times that a judge ordered an agency to free a child. In addition to such matters of definition, adjournments were apt to pose a problem for those

involved. Since 32 of the 70 cases with multiple hearings included at least one adjournment, and some had as many as four, they were apt to include many instances in which all parties but one appeared, resulting in wasted time.

At the first 392 hearing, 179 cases had been reviewed by Family Court judges and 56 by Civil Court judges assigned to the Family Court. Of the 70 cases with two or more hearings only 9 (12.9%) were heard by the same judge at the later hearing. Whether greater continuity would have resulted in more effective court action remains a question. This could not be examined in our study because of the pervasive lack of continuity.

Despite the lack of continuity of judicial personnel, there seems to have been considerable consistency in the positions taken by the judges at the initial and subsequent hearings, where multiple hearings occurred.

In 48 of 66 cases where the direction of the court in subsequent hearings was discernable, the judges moved in the same direction as the judges who had heard the case initially. In 14 of the remaining 18 cases the change of direction of the judges at subsequent hearings moved toward adoption or discharge. In 4 cases the judge at the subsequent hearing moved from an initial adoption or a discharge direction to continuation of foster care, at least for the time being.

When initial and subsequent dispositions were examined jointly, orders for discharge, for freeing for adoption or adoptive placement had been entered in the cases of 153 (65%) of the 235

children by June 1975. Orders to continue the child in foster care, without a follow-up report requested, had been entered on two (1%) children. By June 1975 there had still been no final dispositional orders in 80 (34%) of the 235 cases studied, although there was a discernible leaning by the court toward discharge or toward adoption in most of these cases.

Court Procedures to Secure Compliance

Although only 70 cases of the 235 reviewed by December 31, 1973 had more than one hearing by June 1975, considerable material was available from agencies reports were required to submit following the first 392 hearing. In all but one of the 235 cases, such reports were ordered at the first hearing. The time allowed by the court for submission of such reports varied from about three months to one year. The average period allowed was 6.1 months. Although the mean time allowed varied somewhat among the various court dispositions, they did not differ significantly. However, judges varied within dispositional categories. It is not possible to ascertain whether such variations were responsive to situations that seemed to require shorter or longer periods for solutions, or whether they reflected idiosyncratic tendencies of the judges. The greatest variations occurred in the time set for reports following orders to discharge, and following orders continuing a child in foster care.

It is of interest that the average time allowed for reports following an order to free a child for adoption did not differ from the average time allowed following other dispositions and that there were smaller variations among judges in the time

allowed for such reports. These findings suggest that where the court made orders to free a child, they sought to secure compliance without undue delay.

There is reason to question why such variations in time requirements were allowed by the court and whether shorter periods would not result in more effective action.

Compliance by the Agencies

Compliance by agencies consists of two components which must be identified and examined. The first component involves adherence by the agency to rendering reports to the court within the time allowed. The second component involves the content of the report and the extent to which such content provides the court with the information required by the court.

A. Time Factor in Agency Compliance

Of 234 reports ordered by the court, only 144 (61.5%) were submitted on time; 55 (23.5%) were late, but of these 24 (10%) were less than one month late; 35 (15%) had still not been received by June 1975 when the data collection for this study ended.

The court sometimes rescheduled cases with overdue reports for a further hearing. This occurred in 15 of the 35 cases where no report was received and in 12 of the 55 cases where the reports came in late, or in a total of 27 (30%) of the 90 cases where reports had not been received on time.

The failure of the court to require reports on time, and the failure of the agencies to submit them on time, thus result both in waste of court time and possible postponement of action on cases. These findings indicate a poor track record on the part of the agencies in fulfilling their responsibility and on the part of the court in failing to monitor and secure compliance with its orders. A brief example is illustrative:

> A was placed in foster care at age 6. Three years later, at the time of the court review, the judge continued the child in foster care and ordered the agency to submit a report in eight months recommending a permanent plan after exploring the possibility of the child's returning to her family and exploring the possibility of freeing the child for adoption. The judge also specifically directed that another hearing be scheduled when the report was received. No report was received by the court in the 17 months that followed that first hearing and no other hearing was scheduled during that time.

The timeliness in rendering reports ordered by the court was examined in relation to other variables such as race, religion, sex of children, the religious auspices and the size of agencies, and in relation to the dispositions by the court. The one significant difference found was a mean difference among different court dispositions.[1]

The reports were on the average least late when the court ordered continued foster care.[2] The average tardiness was greater when the court ordered that the child be freed for adoption,[3] still greater when the court ordered placement for adoption,[4] and greatest when the court ordered discharge.[5] These differences in tardiness may reflect attitudes that the reports were less important if children were to be discharged or placed for adoption than if they remained in care; they might reflect delays in completing steps ordered by the court, or resistance to the order of disposition.

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1. F=2.87, d.f. 3/230, p=.036
2. mean=1.27 months
3. mean=2.13 months
4. mean=3.14 months
5. mean=3.90 months

In any event, the failure to comply with court requirements for reports presented unnecessary administrative problems for the court, and suggested less than sufficient respect for the court's authority and responsibility.

Since the delays in reporting were greatest in regard to children for whom adoptive placement or discharge was intended by the court, and most of these children were adoptively placed or discharged by June 1975, it might be argued that the delay in reporting did not affect the ultimate fate of these children. However, this does not answer the question of whether earlier reporting by the agency, if properly screened, would not have led to earlier final dispositional orders directing the ending of foster care. The absence of a sense of urgency in reporting to the court is reflected even more by the fact that agencies tended to use the maximum time allowed by the court for making reports following a review hearing. Rarely did a report arrive much earlier even among the 61% that arrived on time. If the court ordered that adoption be explored and required a report in five months, or 10 months, the report was submitted then. It is likely that the scheduled activity on cases was often geared to the time set by the court. In this sense, variations among individual judges in the time given agencies to submit reports appeared to be important.

B. Substantive Compliance

The question of substantive compliance is concerned with the extent to which the content of reports ordered by the court is responsive to what the court directed be done. Reports were

rated as high, moderate or not in compliance. All but the obvious cases were independently rated by the author and a research associate. For example, if an agency was directed to explore the possibility of discharge to the biological family and evaluate the child's readiness for discharge, and the agency reported contact and discussion with the family about discharge together with some assessment of the child, the report was rated as high in compliance.

If the report noted only exploration with the family and no evaluation of the child, the report was rated as moderate in compliance.

If the report included neither exploration with the family nor assessment of the child, and no change in circumstances was reported, the report was rated as not in compliance.

The ratings were based on the activity reported by each agency without attempting to evaluate the quality of the work done. They therefore were on the generous side. After all, a report that mentioned "working with the mother on discharge" or "exploring plans" could mean many things. Unfortunately, the lack of specificity in many of the reports forced a relatively benign view of compliance. This was particularly true of reports submitted in response to some relatively vague orders that accompanied the continuation of foster care.

Of the 235 cases studied, substantive compliance was rated in 187 cases. The remaining 48 could not be rated either because (in 35 cases) no reports had been received, or because (in 13 cases) the court follow-up order was not in the file, or because there had been such a change of circumstances as to justify non-compliance.

Of the 187 cases rated, with the liberal interpretation

described, 142 cases (75.9%) were rated high in compliance. 32 cases (17.1%) were rated as showing little or no compliance. 13 cases (6.9%) lay in between.

It seems important that most of the cases rated as showing little or no compliance occurred when the court had issued orders to initiate proceedings to free a child. Of the 58 cases in which such orders had been issued 28 (41.4%) were rated as showing little or no compliance. The actions of the agencies in these cases were extremely limited. For example:

> D was nine months old when she was abandoned and came into placement. There was no further contact with her mother or other family. When D was four years old, the agency's goal was continued foster care. The agency stated that adoption was not appropriate because D lagged developmentally. At the 392 hearing, the court ordered the agency to initiate proceedings to free the child and asked for a progress report in six months. This was received on time and stated nothing other than "we are planning to free this child."

In a number of cases the issue of a diligent search appeared to be used inappropriately. When there were grounds for abandonment, an agency could have instituted such proceedings without a diligent search. Also, if the whereabouts of the parent was known, promise of a plan for a diligent search was irrelevant and appeared to be made to appease the court rather than to achieve the freeing of the child through a procedure to terminate parental rights. Nevertheless, whether or not appropriate, the simple use or promise of a diligent search without even requesting permission to initiate proceedings to terminate rights, was rated as low compliance. The following examples are illustrative of such low compliance:

J's mother said she wanted him to be adopted when J was placed in foster care shortly after birth. She had no further contact with J and her whereabouts soon were unknown. At the 392 hearing about three years following placement, the agency stated that their goal was adoption. The judge ordered the agency to initiate proceedings to free the child and requested a progress report in six months. Nine months after that hearing, the court received a report that the agency was in the process of doing a diligent search. The agency had not instituted an abandonment proceeding.

L was placed at the age of one month because her mother was emotionally disturbed. Although the mother expressed some interest in L, this quickly dwindled and after three months there were no contacts, nor were other family members interested. At the 392 hearing the mother's whereabouts were not known. The judge ordered the agency to initiate proceedings to free the child and to submit a report in six months. Eight months following that hearing, the court received a letter from the agency asking for information about the disposition at that hearing. One month later a report noted that "a diligent search will be done". As in the first case above, abandonment proceedings had not been instituted.

Questions arise as to whether the failure to comply represents a tug-of-war or a delaying tactic on the part of the agencies when they are not in accord with court decisions that children shall be moved out of foster care and placed in adoptive homes.

C. Corrective Court Action to Meet Agency Non-Compliance

In 1974 the Family Court instituted a system whereby agencies are notified when reports are overdue and are informed that the case will be recalendared if no report is received by a given date. At the same time, the court set up a procedure to screen agency reports for compliance with what

the court had ordered. At the time the data were collected for this study, the procedure for recording receipt of the reports appeared to be working smoothly, but the review of the reports to assure compliance on content had been assigned to only one person in the Office of Probation. This is too heavy a burden for one person, given the importance of such evaluation.

The necessity for careful screening and monitoring is reflected in the following case, where the agency failed to do what the court had directed until after the second hearing and specific additional court instruction. As a result there were two successive 6-month delays in initiating the adoption process.

> S was placed in foster care from a hospital when he was four months old because his mother was not able to care for him. The mother, a suspected drug user, showed no interest in S, never visited him, nor did any other member of the family. There was no casework contact with the mother. At the 392 hearing, when S was three years old, the judge ordered the agency to initiate proceedings to free the child and required a report in six months. The agency report at that time stated that in the interim, the mother had been visited several times but that she refused to surrender the child. The agency added, incomprehensibly, that they planned to make a diligent search. The court, after reviewing this report and on finding it non-compliant, recalendared the case. At the second hearing a number of months later, the court again ordered the agency to initiate freeing procedures, and suggested that the agency thoroughly discuss subsidized adoption with the foster parents. A further report was required in six months. At that time, the agency reported that the child had been freed. Three months later the foster parents were in the process of adopting S.

Case reading as well as statistical findings on delays in full compliance with court orders to free a child or place a child for adoption established that the court must accept more responsibility for monitoring compliance in 392 cases, and that the agencies must show more accountability for compliance with court orders.

Review of such variables as the timing of reports, race, religion, sex or the age of the child at the time of placement showed no statistical relationship to substantive compliance. Neither did the size or religious auspices of the agency. The most significant factor affecting both timing and substantive compliance was the disposition by the court. While slightly over three-quarters of the reports were rated as high in compliance (75.9%) by the liberal interpretation described above, nearly one quarter of the reports fell below the level of such compliance. Less than full or satisfactory compliance in approximately one fourth of the cases underscores the need for an effective tracking or monitoring system that will be concerned with substantive compliance, raise questions promptly when there are failures to fulfill the court directions, and bring such cases to the court's attention for corrective action when necessary, to assure full compliance with 392 court orders.

Surrender and the Freeing of Children for Adoption

Children can be freed for adoption by court action or by the acceptance of surrender from the biological parents. Therefore to give a broad perspective of agency activity to move children to

adoptive homes we reviewed the amount of surrender, freeing, and movement toward these ends.

Table 3 summarizes the data on the extent to which agencies had taken steps toward obtaining surrender or toward legally freeing the children by June 1974 and June 1975. We also examined what progress had been made between June 1974 and June 1975. Seventy eight cases were excluded as these were cases that had been discharged or the agency goal was discharge or its exploration, and therefore a move toward surrender or freeing would not have made sense.

Our findings showed substantial increases in securing surrenders and in court freeing of children between June 1974 and June 1975. For example, the number of children for whom surrenders had been secured in this one year period moved from 44 in June 1974 to 58 in June 1975; in addition there was one child who had been surrendered but who was also freed for adoption from a second parent, and three other children who had been previously surrendered and were now in the process of being freed from the second parent during the 1974-1975 period. Conversely, three children who had been freed by June 1974 through legal action against one parent had been surrendered by the second parent by June 1975.

Our findings also showed a substantial increase in the number of children freed for adoption through the courts between June 1974 and June, 1975. The number had more than doubled from 18 to 40. In addition, there were two cases where steps had been taken to free children from a second parent after being freed so far as one parent was concerned.

TABLE 3

Surrender and Freeing: Total Steps from 1970 to June 1975*

Actions by June 1974	Additional Actions Between June 1974 and June 1975
Surrendered	
44 children (28%)	1 Was freed from a second parent 3 Steps taken to free from a second parent
Freed	
18 children (11.5%)	3 Were surrendered by second parent 1 Steps taken to free from a second parent
Steps Taken	
74 children (47.1%)	12 Were surrendered 24 Were freed 31 Further steps taken
No Actions	
21 children (13.4%)	3 Were surrendered 1 Was freed 9 Steps taken

Total Steps from 1970 to June 1975

	Surrendered	Freed	Steps Taken	No Actions	Total
Total	58	40	51**	8	157
(%)	(36.9)	(25.5)	(32.5)	(5.1)	(100.0)

* The placement of children in adoptive homes is presented in Table 4.
** 4 of these children had been surrendered or freed from 1 parent by June 1974.

Since almost one half of the cases that were included in the category of "steps taken" leading to adoption in 1974 had been either surrendered or freed by June 1975, the number of cases in our sample where agencies were still taking such steps had decreased between 1974 and 1975. Hopefully, they were taking such steps on behalf of other children, those placed in foster care since 1970, and were helped to do so by what had been achieved on behalf of the children placed in 1970.

It was encouraging to find that of the 157 children in Table 3, there were only eight cases in which no action had been taken by June 1975. Any reaction to this result must be tempered by the fact that there were also 11 cases in which no steps had been taken beyond instituting a diligent search, and that in seven cases some steps had been reported in 1974, with no additional action in the following year.

To summarize what had been accomplished and what steps had been taken on behalf of the 157 children where discharge to the biological family was not considered a goal: 62.4% had been surrendered or freed by June 1975; in 32.5% of the cases some steps had been taken to secure surrenders or free children for adoption, although the efforts or steps were meagre in some cases. However, in 5% of the cases nothing had been done.

In the first study we were able to compare cases that had been reviewed with cases not reviewed by December 31, 1973. It was shown that agencies were more likely to have moved toward obtaining surrender or legally freeing the children, if the court had reviewed the case. In the present study, such a

comparison was not possible as our sample consisted entirely of cases that had been reviewed. The high volume of agency activity does suggest that the court review continued to have such an impact. We can examine the court's impact by looking at the extent to which children had moved out of foster care.

Where Children Were in June 1975

A. Children in Adoptive Homes

All of the 235 children studied had been placed in foster care in 1970 and had been in such care for at least two years, so that when they were removed it occurred during the three following years. Of the 235 children, 80 (34.1%) were in adoptive homes. Three quarters of the adoptive homes were receiving or had been approved for subsidy. Fifty (21.3%) had been discharged to their biological families.* 105 of the children (44.7%) were still in foster care. These data are presented in Table 4.

B. Children Discharged to the Biological Family

Of the 235 children, 50 (21.3%) had been discharged to their biological homes. In addition, there were 18 among the 105 children continued in foster care where the agency goal was eventual discharge. For 6 of these 18 children, the court had ordered discharge and that goal seemed to be closer.

C. Children Continued in Foster Care

105 of the children (44.7%) were still in foster care. Further analysis of these 105 children showed that 37 were headed toward adoption and that for 18 the goal in June 1975 was still

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* A few in this group were still classified as on trial discharge.

TABLE 4

The Location of Children by June 1975

Foster Home		
Clear Discharge Goal	18	
Foster Parents Likely to Adopt	26	
Others Likely to Adopt	11	
Others	50	
Total		105 (44.7%)
Discharged and Trial		50 (21.3%)
Adoptive Home		
Subsidy Approved*	33	
Subsidized Adoptive Home	28	
Non-subsidized Home	19	
Total		80 (34.1%)
		235

*Some of these cases were, strictly speaking, not approved but very close to approval.

discharge. Of the 37 headed for adoption, 26 were living with foster parents who wished to adopt them with the approval of the agency (six of these children had been freed by June 1975), and eleven children were living with foster parents who did not wish to adopt them or were not regarded as suitable adoptive prospects by the agencies. The 37 headed for adoption and the 18 headed for discharge thus totaled 55 of the 105 children still in foster care.

The remaining 50 children of the 105 in foster care consisted of 21 cases where the agency goal was unclear but included possibilities of discharge or adoption, 14 where there was no mention of any plan other than continued foster care, 12 where no report had been submitted and 3 in which adoption was referred to as "a long-term goal." In nine of the 50 cases the children had been freed by June 1975. The court's disposition of these 50 cases at the time of the first 392 hearing was as follows: 39 cases had been continued in foster care with a report required from the agencies; 9 cases were ordered freed; 2 were ordered discharged. Second or third hearings had been held in 22 of the 50 cases, and in about half of these later hearings, the court requested further reports from the agencies on what was being done.

D. Summary of Whereabouts of and Goals for 235 Children Studied

By June 1975, of the 235 children first placed in foster care in 1970 and reviewed by the court under 392 proceedings, 117 children (49.8%) had been placed in adoptive homes or were headed

for such homes in the near future. 68 children (28.9%) had been discharged or were headed for discharge, 6 in the near and 12 in the more remote future. Plans for the remaining 50 children (21.3%) continued in foster care were less clear, and for 14 of these the reports contained no plan for any alternative to continuing foster care.

Factors Related to Where Children Were in June 1975

A. Examination of Variables

An examination of variables that might be related to where the children were in June 1975 included sex, religion and race. None were found to be a factor, with one exception within the group placed for adoption or ordered to be freed for adoption. A significantly higher proportion of the White children had been adopted, while more Black and Puerto Rican children were headed for, but still awaiting, adoption. Whether such delays for non-white children were due to delays in finding adoptive homes, securing subsidy, or to other causes is not apparent from the record. The reasons for the delays require further study.

B. Age at Time of Initial Placement a Factor

We also tried to determine whether the reasons given for the initial placement were factors in where the children were in June 1975. We found that where parents had been unwilling to assume care when the children were infants and the initial placement occurred when they were infants, they were more likely to be among those adopted or headed for adoption. Age at the time of initial placement was a factor in the whereabouts of the children five

years later. The average age at initial placement of children discharged was 2.2 years. The average age at initial placement of children continued in foster care (excluding those headed for adoption) was 2.9 years. In contrast, the average age at initial placement of children in the adoption group was .8 years.

C. Siblings - A Factor

Children in the adoptive group, on the average, had fewer siblings in placement than those discharged or continued in foster care. Whether concern for keeping a family unit together or the failure to find or seek adoptive families for siblings were responsible is not evident from the reports available.

D. Interest of Biological Parents or Family as a Factor

As in the 1974 study, four variables directly related to the mothers affected the status of the children in June 1975. These consisted of: (1) the caseworker's assessment of the mother's adjustment during the first two to three years of foster care; (2) the mother's expression of interest in the child; (3) the family's contacts during the first two to three years of foster care; and (4) casework services rendered to the mother by the agency in whose care the child had been placed.

(1) If the assessments of the mother by the caseworker were negative during the early years of foster care, 51% of the children were in the adoptive group and the rest were about equally divided between foster care and discharge by June, 1975. However, if the assessments of the mother were positive, only 22% of the children were in the adoptive group, 39% had been discharged, and 39% were still in foster care.

(2 & 3) When the mother's expressed interest during the first two to three years of foster care was low, 69% of the children were in the adoptive group, 9% were discharged and 22% remained in foster care. In contrast, where such interest was high or moderate, only 26% were in adoptive care, 37% had been discharged and 37% remained in foster care. The families' contact with the children was similarly related.

(4) Where casework services were rendered to the biological mother on a regular or even intermittent basis during the early years of foster care, discharge was a more likely outcome than either continued foster care or adoption. Whether such service was provided inevitably depended on the mother's accessibility and interest as well as on the attitude of the agency to the mother and the quality of its services.

While the data on casework assessments of the mother, of expressed family interest, of family contacts, and the provision of casework services to the mother were based on data collected during the first two to three years in foster care, these four factors continued to be significantly related to the status of the children several years later, in June 1975.

E. Age of Child and Family Contact as Interacting Factors

This investigator, as well as others, have reported on the importance of family contact as a predictor of whether children will continue in foster care. This study showed that the age of a child at the time of initial placement in 1970 and the subsequent family contacts*

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* Family contacts refer to all contacts by mother, father and/or other family members during the first two to three years spent by a child in foster care as reported by the agency caseworkers.

were significant factors in the status of the child in June 1975.

Table 5 shows that of the 235 children in this study, 157 (66.8%) were under one year of age at the time of initial placement in 1970. For these children, family contact was strongly related to the whereabouts of the child in June 1975. Where there was little family contact 78% were adopted or on the road to adoption. Where family contact had been moderate or high, 31% were adopted or on the road to adoption. For those children who had moderate or high family contact, the outcome was more likely to be discharge to the family than either adoption or continuing foster care.

The outcomes were far less promising for the 76 children in this study who ranged in age from over one year to their early teens when they were first placed in foster care in 1970. For those of the 76 children who had little family contact, only 37% were in the adoptive group as compared to 78% of the younger group. When family contact had been moderate or high, only 15% were in the adoptive group as compared to 31% of the younger group. For even the older children who had high or moderate family contact, a majority (53.7%) continued to remain in foster care, while a lower percentage (37.1%) of those with little contact remained in foster care. 25.7% of the 76 children in the older group were discharged where there was no or low family contact as compared to 4.8% of the 157 children who had been initially placed when they were under one year of age and who had low or no family contact.

Family contact for the older children was thus found to play a far less substantial role than for the younger children.

TABLE 5

Age at Placement, Family Contact and Location in June 1975

Location June 1975	Young Age: No or Low Contact		Young Age: Moderate or High Contact		Older Age*: No or Low Contact		Older Age*: Moderate or High Contact	
Foster Care	18	(17.1)	14	(26.9)	13	(37.1)	22	(53.7)
Discharge	5	(4.8)	22	(42.3)	9	(25.7)	13	(31.7)
Adoption Group	82	(78.1)	16	(30.8)	13	(37.1)	6	(14.6)
Total	105		52		35		41	

Chi Square = 42.62, 2 d.f., $p < .001$

Chi Square = 5.18, 2 d.f., $p > .05$

*For 2 older children there was no information on family contact.

Almost an equal proportion of older children with high or low contacts were discharged back to their families.

These findings raise serious questions about the prospective outcome of foster care for children initially placed when their ages range from over one year to their early teens. With far less hope for adoptive placement for older children, a FAIR PROPORTION WERE discharged to families with whom they had little or no contact. It is of course possible that in the one or one and a half years between the collection of our data on family contact and the time of discharge, some families may have reestablished regular contact with the children. Our impression is that this rarely, if ever, occurred as these were all cases with no or minimal contact with the children in all the preceding years in foster care.

This study did not explore the extent to which the older children who had spent years in foster care without family contact or plans for adoptive placement became restless and disturbed. However, the number of discharges to families with whom the older children had little or no contact raises the question of the extent to which these children were discharged as they became difficult to manage for foster parents and agencies, although their prospects with the biological families may have been very dim.

Once again, the data make clear that action to discharge or free for adoption through agency planning, effective court monitoring and court review should be handled with a sense of urgency from the time a child is first placed in foster care, and that this is especially true for children who are first placed when they are no longer infants.

The reasons for the greater difficulties in placing older children in adoptive homes, when return to their biological home is not indicated, appear related not only to the age of the children, but to slower movement on the part of the agencies to secure adoptive homes for older children. It also seemed that at the 392 hearings, the court showed a greater sense of urgency to free younger children, probably viewed as more adoptable. The agencies, in turn, may have felt more pressure to make greater efforts to free younger children for adoption as they faced review proceedings.

Thus traditional concepts of both the agencies and the court about adoption being primarily for younger children, together with assumptions about the importance of family ties for older children, and the realistic difficulties in securing adoptive homes for children resulted in the discharge to families and continuing foster care for a far higher proportion of the older children with little family contact. Of the 35 older children identified as having little or no family contact, nine (25.7%) were discharged to their families as compared to five of 105 (4.8%) of the younger children having little or no family contact. Of the same 35 older children in this group, thirteen (37.1%) were continued in foster care as compared to eighteen (17.1%) of the younger children with little or no family contact.

These figures indicate the need both for reexamination of traditional concepts and assumptions, and for more intensive efforts to secure permanent homes for children who initially come into foster care when they are no longer infants.

F. Relationship of Initial 392 Court Disposition to Outcome for Children

This study found a strong relationship between the initial 392 court disposition and the whereabouts of, or outcome for, the children by June 1975:

1. Where the court had ordered discharge at the initial review proceeding, 77.4% of the children had been discharged by June 1975. However, 22.6% of these children had not been discharged in compliance with the court review order.
2. Where the court had ordered that children be freed or placed for adoption at the initial review proceeding, 90.6% were in the adoptive group by June 1975.
3. Where the court continued the children in foster care with directions for follow-up reports at later dates 54% remained in foster care, close to 26% had been discharged, and 20% were in the adoptive group by June 1975. Reports on well over one third of the 54% in foster care included references to discharge and adoption goals.

In regard to those children continued in foster care with direction for further reports, the agencies showed far less clarity as to their goals for the children than in the cases where the court ordered discharge or action that moved a child toward adoption at the initial 392 review.

While the relationship of court orders at the initial review to the outcome cannot isolate and define the exact weight to be accorded the court review process in determining the outcome, it is important that 167, or 71%, of the 235 children reviewed in 392 proceedings had left or were close to leaving foster care by June 1975. Tracing the time course of the movement of these children can shed some light on the question.

The 1974 study showed that during the two year period from 1972 to 1974, less than one half (46%) of the 235 children placed in foster care in 1970 had left foster care. 126, or 54%, were still in care after four years. During the following 12 month period 63, or 50% of the children remaining in foster care in June 1974 had left foster care or were scheduled to leave. Such movement out of foster care following two to four years in foster care is noteworthy since it has not been reported in earlier studies (1:80, 2:Table 9, 4:323, 5:421, 6:51). In fact, earlier studies tended to suggest that unless children left care in the first two to three years of placement, they had little chance of leaving foster care.

The important question raised by the continuing movement of children out of foster care in the study cases is what caused it. Without comparison with a group not subject to 392 review it is difficult to reach a firm conclusion of the impact of the court review on this increased movement out of foster care. The legislative action establishing subsidies in 1969, the increased availability of subsidy, more generous allowances in special cases, and increased use of subsidies by agencies, after a slow start, surely contributed to the results. However, it is important to

recognize that in the 392 proceedings the courts found it necessary to press agencies to use the subsidies, especially where availability of such subsidies had not been discussed with foster parents.

While undoubtedly helpful, the availability of subsidies could not alone account for the continuing increase in the number of children who were moving out of foster care. Discussion by agencies of subsidies with foster parents usually did not occur until children were freed for adoption, and it was the court that had the strongest impact on freeing children for adoption (3:238). The existence of subsidies also cannot explain why a slightly higher proportion of children moved out of foster care in the one year period, 1974 to 1975, than in the two year period from 1972 to 1974. In fact, the movement out of foster care FROM 1974 to 1975 is more impressive since the children had been in foster care longer, and previous studies, as noted earlier, show that such movement is unusual. It would, therefore, seem warranted to conclude that the court was having a cumulative effect on what happened to children in foster care through the orders it issued, through multiple hearings, and through the growing awareness of the agencies that further hearings would be held if the court was not satisfied with their efforts to move children out of foster care when possible. The institution of monitoring agency reports in 1974 to assure compliance with court orders, both as to the time of submission and the content, strengthened the value of 392 and placed emphasis on the duty of compliance with court orders. The role of the court through 392 hearings had thus become a spur and a procedure for enforcing

the legislative intent that the court should act to require permanent homes for foster care children through discharge or adoptive placement wherever possible.

Summary and Discussion

This study examined what had happened to 235 children placed in foster care in 1970, who had been in foster care two to five years, and whose cases had been reviewed for the first time by the Family Court in 392 proceedings by December 31, 1973. It examined what had been accomplished for these children by June 1975, the actions of the agencies with whom these children had been placed, and the role of the court in 392 proceedings. The study includes analysis of factors which were found to affect the discharge of children to their biological families, their being freed for or placed in adoptive homes, or their being continued in foster care.

The Outcome for the 235 Children by June 1975:

80 children (34.1%) were in adoptive homes, three quarters of whom were receiving subsidies.

50 children (21.3%) had been discharged to their biological families.

105 children (44.7%) were still in foster care. However, of this group 37 children were close to adoption, and 18 children were headed for discharge to their biological families.

These outcomes were the result of both court dispositional orders and steps taken by the agencies independent of the court orders. Of the 157 in this study for whom return to the biological family was not a definite goal, 62.4% had either been surrendered to the agencies for adoption or been freed by court order for adoption by June 1975. The agencies had also taken some steps toward adoption

for an additional 32.5% in this group, though some of the steps were meagre or inadequate. In eight cases no such actions had been taken.

Outcome in this Study and in Earlier Studies

Earlier studies when no 392 proceedings were operative showed that the longer children remained in foster care, the likelihood of both discharge to families and of adoption decreased. In this study we found that this was not so:

- 109 of the 235 children (46%) left foster care during the two year period of 1972-1974.
- During the following one year period, June 1974 to June 1975, 63 (50%) of the children remaining in foster care had left or were scheduled to leave foster care.
- Surrender for adoption increased between 1974 to 1975 from 44 to 58.
- The number of children freed for adoption during the year 1974 and 1975 increased from 18 to 40 so that the total had more than doubled.

The increase and marked acceleration in securing surrenders and freeing children for adoption in these cases that had been reviewed under Section 392 is impressive and especially noteworthy for children who had first come into placement in 1970, and had been in foster care for two to five years.

Significant Variables in Outcomes for Children

Age and Family Contact

The age of the children at the time of initial placement was an important factor in their prospect for adoption. For children initially placed when under one year of age, prospects for

adoption were greatest. When family contacts were low, 78% of these children were found in the adoptive group. In contrast, for children ranging in age from one year to the early teens at placement, even when family contacts were low, only 37% were found in the adoptive group. In fact, a fair proportion were ultimately discharged to biological families with whom they had little contact since their placement in 1970.

If the children were infants when initially placed and family contacts were maintained, they were likely to be discharged to their biological families. For the older group, this was not so likely, and a large proportion continued in foster care.

It would therefore seem that screening, monitoring and court action must be regarded as a necessity for children who first come into foster care when they are no longer infants. The sense of urgency to secure permanent homes for them should first engage the agencies who receive them, and secondly, the court in 392 review actions when the agency has not already acted effectively.

Race of the Children

A higher proportion of White children had been adopted than of children who were Black or Puerto Rican. More Black and Puerto Rican children were close to, but awaiting, adoption. The reasons for these differences require further study.

The Mother's Adjustment, Interest, and Services

Three other variables in regard to the biological mothers affected the outcome for the children. When during the first two to three years in placement the caseworker made a negative assessment of the mothers' adjustment, and when the mothers expressed little interest in their children, adoption was more likely. In contrast, when agencies provide casework services to the mothers, children were likely to be discharged.

Procedural Issues

Biological family members and/or foster parents were present at approximately 64% of the hearings.

Counsel for the agencies appeared at approximately one-half of the hearings, with some agencies generally having their counsel present, and others rarely or never having counsel present. There seemed to be no guidelines or rationale as to whether, when, or how agency counsel should be used. Counsels for the Department of Social Services were always present at 392 hearings.

Caseworkers and/or supervisors of the agencies were present at nearly 90% of the hearings.

The court, except in contested cases, relied in the main on case-work reports and testimony by caseworkers and their supervisors in arriving at dispositional orders.

In 70 (29.8%) of the 235 cases two or more hearings were held. When such multiple hearings occurred the same judge presided in nine (12.9%) of the cases. Despite the lack of judicial continuity, the positions taken by subsequent judges were generally consistent with those taken by the judge presiding at the initial 392 review hearing. There is no way of assessing whether the outcomes would have been different had there been continuity of judicial personnel.

Agency Responsibility for Compliance with Court Orders

Agencies required to submit reports to the court were frequently tardy in submitting them. Only 144 (61.5%) of the reports were submitted on time. Some were late by only short periods. 35 (15%) had not been received at all by June 1975.

Agency reports were, on the average, least late when continued foster care had been ordered by the court, more often late when the court ordered a child to be freed for adoption, and most often late when the court ordered adoptive placement or discharge.

The reports were rated for substantive compliance with court orders. With generous interpretation, described in this study, three quarters of the reports were rated as in high compliance. However, 32 (17.1%) showed little or no compliance and 13 cases (6.9%) fell somewhere between high and little or no compliance.

Little or no compliance was found most frequently in cases where the court ordered the agency to initiate proceedings to free a child for adoption. Of 58 cases in which such orders had been entered, the agency reports showed little or no compliance in 28 (41.4%) of the cases.

The delay in submitting reports as ordered by the court and the cases in which agencies failed to follow court orders on substantive matters indicate the need for changes in agency policy and procedures to comply with decisions of the court. Internal tracking or monitoring by agencies of compliance with court orders would undoubtedly contribute greatly to the effectiveness of the 392 proceedings.

Effect of Initial Court Review Order on Outcome for Children

The study found that there was a strong relationship between the dispositional order at the initial 392 hearing and the eventual outcome for children.

1. Where discharge was ordered at the initial review, 77.4% of the children had been discharged by June 1975.
2. Where children were ordered to be freed or placed for adoption at the initial review, 90.6% were found in the adoptive group by June 1975.
3. Where continued foster care was ordered with directions for follow-up reports, 26% had been discharged, 20% were in the adoptive group, and 54% were still in foster care in June 1975.

An examination of initial and subsequent court orders also showed that in 80 (34%) of the 235 cases there had been no final 392 disposition by June, 1975, although the court leaned toward either discharge or adoption in most of the follow-up orders. These may have been cases that were particularly complex. Lengthy successive periods given by the court to agencies for submission of reports may well have contributed to delays in the children's movement out of foster care.

Court Responsibility for Enforcement of 392 Decisions

Sec. 392 requires that the Family Court shall review and determine whether children in foster care should be discharged to the biological family, continued in foster care, or be released for adoption.

Ratings of reports from the agencies showed that the agencies had not complied fully with court orders in 24% of the cases. It is therefore necessary for the court to strengthen its procedures to assure implementation of 392 dispositional orders.

In 1974 the court took steps to screen agency reports for timeliness and for compliance. This study would suggest the need for further action:

1. Sufficient qualified staff should be assigned to determine whether agency reports show substantive compliance with court orders.
2. In cases where agency reports indicate failure to comply with court orders for discharge or the institution of proceedings to free children for adoption, or for adoptive placement, the cases should be scheduled promptly for further court hearings.
3. The court should establish a central registry to be kept current on the status of all 392 cases. Such a register should show name, age, and race of child, with date of initial 392 review, court order, subsequent action by agency, present status of child, and outcome for child of 392 proceedings.

The Family Court has the ultimate responsibility for securing compliance with its orders, and should therefore develop whatever monitoring procedures are needed to assure such compliance.

Conclusion

The legislative intent in enacting Section 392 of the Social Services Law was to reduce the number of children who remained in the limbo of foster care, and to secure permanent homes for as many children as possible, either through discharge to their families or through adoptive placement.

This study finds that the 392 reviews have been effective in moving to accomplish this goal. While the greater availability and use of subsidies have contributed to the removal of children from foster care, the 392 procedures encouraged the use of such subsidies.

Further efforts are needed to assure full compliance by agencies with the orders of the court in 392 proceedings. Procedures are needed to provide for effective monitoring of all agency reports for compliance with court orders, and to assure prompt court action when there is inadequate compliance.

The effect of 392 reviews has been cumulative in securing permanent homes through discharge to the biological families or adoptive placements for an increasing number of children in foster care. The greater movement of younger children out of foster care indicates the need for early efforts by both agencies and the court on behalf of children who are placed in foster care when they are older. The positive benefits for children placed in foster care resulting from early casework with their mothers shows the importance of providing services to more families of children placed in foster care.

Finally, the positive value of the 392 review is most clearly evidenced by the increase in the proportion of children removed from foster care between June 1974 and June 1975. This achievement on behalf of children who had been placed in foster care in 1970, and been in such placement from two to five years, runs counter to findings of previous studies.

Between 1974 and 1975 the children in this study were moving out of foster care at a faster rate than in the preceding two years. This was the case although subsidies were available during both time periods, and in spite of the fact that between 1974 and 1975 the children were older and had been in foster care longer. In this way as well, the findings of this study show a cumulative effect of the judicial review under Sec. 392 of the Social Services Law.

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